IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.8204 OF 2006

M/s.Gajanan Krishi Kendra : Petitioner

V/s.

The Maharashtra State Co-operative Marketing Federation Ltd. : Respondent

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Mr.A.V.Chatuphale for the petitioner.

Mr.Phiroz Palkhiwala with Mr.Madhukar Kalzunkar i/b. M/s.Navdeep Vora & Associates for the respondent.

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CORAM : S.A.BOBDE, J.

DATE : JULY 16, 2007.

P.C.

1. The petitioner has challenged the ex parte award passed by the Co-operative Court on 29.7.2005. According to the petitioner, the learned Co-operative Court failed to give a proper opportunity to defend himself and proceeded ex parte, even though the petitioner was absent only on one occasion. Unfortunately, the roznama filed by the respondent shows that the petitioner was absent for more than one occasion. The petitioner’s statement on oath is obviously misleading. It is also not possible to grant any indulgence to the petitioner since he is not

even willing to secure the amount of the award by depositing the same as condition for filing a Written Statement. Having regard to the overall circumstances, it is not a fit case for interference by this Court.

2. The Writ Petition is dismissed.

S.A. BOBDE, J.